SUPREME COURT, U. S.

FILED

DEC 26 1967

JOHN F. DAVIS, CLERK

Supreme Court of the United States

OCTOBER TERM, 1967.

No. 957

JESSIE M. YATES,

Petitioner,

versus

BERNARD J. MANALE, U. S. ARMY OVERSEA SUPPLY AGENCY, U. S. CIVIL SERVICE COMMISSION, ET AL.,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT AND/OR RULING ON PETITIONER'S RIGHTS SET FORTH IN THE UNITED STATES CONSTITUTION.

JESSIE M. YATES,
128 N. Genois Street,
New Orleans, Louisiana,
Acting as own Counsel.

INDEX.

	Page
Opinion Below	2
Statement of Case	2
Errors in the United States District Court, Eastern District of Louisiana, New Orleans Division	17-21
Errors in the United States Court of Appeals for the Fifth Circuit	22-26
Reasons for Granting the Writ and/or Ruling	26
Conclusion	27
Certificate	27
Exhibits:	
Exhibit A	28
Exhibit B	29-30
Exhibit C	31
Appendices:	
Appendix "A"	33-35
Appendix "B"	36-37
Appendix "C"	38-39
Appendix "D"	40
Appendix "E"	41-45
Appendix "F"	46

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1967.

No. .....

JESSIE M. YATES,

Petitioner,

versus

BERNARD J. MANALE, U. S. ARMY OVERSEA SUPPLY AGENCY, U. S. CIVIL SERVICE COMMISSION, ET AL.,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT AND/OR RULING ON PETITIONER'S RIGHTS SET FORTH IN THE UNITED STATES CONSTITUTION.

To the Justices of the Supreme Court of the United States:

The petitioner herein prays that a writ of certiorari issue to review the final judgment of the United States Court of Appeals for the Fifth Circuit, which was entered on June 7, 1967; and which affirmed the judgment of the United States District Court for

the Eastern District of Louisiana, New Orleans Division, which was entered on November 17, 1965.

Petitioner herein prays also for a Ruling on her rights set forth in the United States Constitution, which have been denied her by the Courts above mentioned, as hereinafter set forth.

Opinion Below.

The opinion of the United States Court of Appeals for the Fifth Circuit is in the record before this Court; as is the opinion of the United States District Court for the Eastern District of Louisiana, New Orleans Division.

Statement of Case.

Circuit Judges Thornberry and Coleman and District Judge Young state, in their opinion dated June 7, 1967, as follows:

> "Appellant sought both in the administrative actions and in the judicial proceedings to challenge the necessity of her taking a medical examination. But that was not the issue upon which she was discharged; her insubordination stemmed from her refusal to submit to the examination and not from the reasons the agency may have had for seeking such an examination.
>
> "The court below correctly concluded there were no genuine issues of material facts and that

the uncontroverted record established that in discharging appellant her superiors had substantially complied with the applicable statutes and regulations.

"* * *Furthermore, the decision below rested solely on legal conclusions which have been fully reviewed by this Court and found correct."

* * * * *

"In my opinion, from an examination of the record, serious doubt is cast on this issue and if, in fact, she was not responsible then it would be as much an injustice to deprive her of her pension and other rights earned by her during years of satisfactory and creditable service as it would be to punish a defendant for a crime committed under circumstances that would make him legally not responsible for such an offense."

Petitioner is a citizen of the United States of America, born in New Orleans, Louisiana. She was employed by the United States Government for thirty-one (31) years of consecutive service she has never been arrested in her life, even for a misdemeanor. What Circuit Judges Thornberry and Coleman say above is all very well, so long as fraud is not involved. But fraud is involved in this case. As for the "uncontroverted record," this "evidence" is inadmissible. District Judge Young hints very strongly that petitioner has committed a crime. Petitioner has committed no crime, other than the "crime" of fighting for her rights.

Petitioner looked at her record in 1962, prior to her dismissal, in the Personnel Office of the Transportation Terminal Command, Gulf, and she saw not one derogatory document in it. The record comprised her 31 years of service in the Government. So what "uncontroverted record" are the Judges talking about? When did all the "criminal activity" take place? Was it during petitioner's 31 years of continuous service in the Federal Government? If so, why was she not informed of her "crimes" by Government officials? It seems that someone has been derelict in his duty.

At the hearing on October 25, 1966, petitioner told Circuit Judges Thornberry and Coleman, and District Judge Young, the following:

> "Appellant was screened when she entered Government Service in 1931, and again in 1958 when she entered the employ of the OSA, and she passed the screening. She completed 31 years of uninterrupted service.
>
> "Col. Miller used false affidavits against appellant, in his possession, as the basis for ordering her to take a medical examination. The order was simply a ruse, a phony, a 'cover,' for fraud. Therefore, since the affidavits were false, the order was invalid; hence, there was, and could be, no insubordination. To obey such an order would be tantamount to cooperating with fraud and conspiracy.
>
> "Thus, having failed to force appellant to take the medical examination, the conspirators (Ma-

nale and Sonnemann) tried another tactic they forced Dr. C. J. Gulotta to make a false report on appellant, in an effort to give credence to the false affidavits above-mentioned. The plan of the conspirators was not only to deprive appellant of all her rights, but to try to deceive the Court into believing the false affidavits were *bona fide*.

"Appellees are in default, having failed to answer appellant's original complaint.

"No witnesses were allowed appellant by the District Court, although she made a specific request to the Court for certain witnesses; her request was denied. All motions to see the evidence were also denied. Appellant has seen no evidence.

"Judge Christenberry should have recused himself because he has an interest in this case, namely, a family relationship to two conspirators in this case. The Judge is related, by marriage, to Henry Vosbein and Roy L. Schmidt (R. 20), who are deeply involved in this case. The Judge admitted this family relationship at the hearing in May 1965 and when appellant asked him why he did not recuse himself, he answered: 'Not in this case.' This case should be adjudicated according to law, as is every other case. It was impossible to receive a fair hearing from Judge Christenberry, under the circumstances, or to expect him to make an impartial decision,

or to expect him to write an impartial opinion. He simply did not want to be embarrassed. But justice is more important than anyone's embarrassment."

Petitioner told Judge Christenberry in Court on August 2, 1967, the following:

"I am here to raise the issue of my competency on the date of my refusal to submit to the medical examination.

"I was competent on that date; responsible for my actions; and capable of distinguishing between right and wrong, as I am now.

"My former physician, Dr. Carl Gulotta, submitted a false report against me under pressure, blackmail and terror of my opponents, Manale and Sonnemann.

"I request a trial in order that justice may be done and that the conspirators, Manale and Sonnemann, may be convicted of the fraud and murder which they have committed."

Petitioner had no intention on November 23, 1962, and has no intention now, of taking a "rigged" medical examination, so that the conspirators, Bernard J. Manale, and Lt. Col. Eugene H. Sonnemann, and the others involved, can escape punishment for fraud, and the other crimes they have committed. How does petitioner know the medical examination would be "rigged?" See Dr. Gulotta's false report, and the

"uncontroverted record," in the record before the Court. If the Court was willing to accept the "uncontroverted record" as a fact, then it would have accepted the "rigged" medical examination as a fact, also.

Petitioner wants a trial, whether fair or unfair; if she cannot obtain a fair trial, she will take an unfair trial, because the truth always comes out in the end.

On February 1, 1965, petitioner had a hearing before Circuit Judges Jones and Brown, and District Judge Sheehy. At the hearing, Circuit Judge Jones said to petitioner:

> "I cannot consider 'your fraud' because you have not joined the indispensable parties."

On February 12, 1965, the Judges above named rendered their opinion, giving petitioner the right to apply to the district court for leave to amend her complaint by joining as parties defendant the several Commissioners of the United States Civil Service Commission. This was a quick and very welcome decision. But after petitioner joined the indispensable parties, the Court still did not consider her "fraud," as will be seen in the record before this Court.

Why did Circuit Judges Thornberry and Coleman and District Judge Young say in their opinion of June 7, 1967 that "there were no genuine issues of material facts?" The record before the Court showed evidence of fraud and fraud is a genuine issue of ma-

terial fact. For one thing, Circuit Judge Thornberry was threatened by Manale and Sonnemann, the conspirators, above mentioned. On one of the frequent visits into the Judges' Chambers of Col. Robert B. Miller and the said Col. Sonnemann, they both orally admitted the fraud, which was all too obvious. But when Judge Thornberry could not see it their way, Manale and Sonnemann threatened him.

Petitioner submitted to the U.S.C.A. (5th), six affidavits, in her favor, made by her family and neighbors, which are diametrically opposed to the ones submitted to the Court as "evidence" by respondents. Blackmail was used by Manale and Sonnemann to obtain the affidavits against petitioner. The affidavits submitted by petitioner are as follows: Mrs. Edward L. Schmidt dated July 14, 1964; Mrs. F. J. Dupree dated August 5, 1964; Mrs. F. Franz August 12, 1964; Mrs. John T. Payton, Jr. dated August 18, 1964; Mrs. Fanny Dotson September 1, 1964; Miss Mary Sue Wetta dated September 8, 1964. Petitioner also advised the Court of a report dated Sep. 11, 1963 by John B. Holland, M.D., Ochsner Clinic, New Orleans, submitted to the President of the United States. Dr. Gulotta's report of July 25, 1963, was submitted to the Court on September 14, 1964; and six letters of recommendation obtained from petitioner's employers, subsequent to her dismissal. All of the above will be found in the record before this Court.

While petitioner was awaiting the decision of the U.S.C.A. (5th), which ultimately came on June 7, 1967, she was constantly being harassed by the con-

spirators Manale and Sonnemann. She reported this fact to Mr. G. F. Ganucheau, Chief Deputy Clerk, U.S.C.A. (5th), who told her to write a letter to the Clerk of Court, relative to the harassment, and he would see that the Court received the letter. The letters relative to the harassment are as follows: February 21, 1967; April 7, 1967; April 24, 1967; and May 14, 1967; also letter dated July 10, 1967. Petitioner submitted exhibits with these letters, showing vandalism perpetrated on her residence by the conspirators, Manale and Sonnemann. Petitioner reported the vandalism to the police, but was later informed by Capt. L. B. Cochrane of the Police Department that no police report had ever been made. She reported the vandalism and other crimes, to the Superintendent of Police, Mr. Giarrusso, but never received a reply. The letter to Mr. Giarrusso is Exhibit A to petitioner's letter of May 14, 1967, above mentioned. Petitioner is insured against vandalism and malicious mischief, but the insurance company, Kessler-Bodenheimer Insurance Agency, Inc., would not honor her claim, on pressure from Manale and Sonnemann. Can a citizen do more than report these matters to the police and to the Court? Petitioner had the lock on her front door changed, as will be seen by her letter to the Clerk of Court dated April 24, 1967, above mentioned, but the conspirators, Manale and Sonnemann, still have access to petitioner's home and come in anyway; and continue to destroy petitioner's property. Two attempts were made on petitioner's life, see letters to Clerk of Court dated April 7, and May 14, 1967, above mentioned.

Manale and Sonnemann are responsible for having petitioner's mother "brain-washed" at Touro Infirmary, New Orleans, sometime during the period December 16, 1966 and January 6, 1967. The purpose of the brain-washing was to force petitioner's mother to make a will, which was completely contrary to petitioner's interests. The said will is illegal in every sense of the word. See letter of May 14, 1967, to Clerk of Court (U.S.C.A. 5th), relative to a will dated October 24, 1951, made by petitioner's mother, Mrs. Blanche Yates.

Manale and Sonnemann are responsible for the following thefts of money from petitioner: They forced petitioner's sister, Mrs. Audrey Wetta, to steal $60 from her in October 1967. This was a week's pay. Petitioner was taking dictation in an office where she was working temporarily, and when she returned to her desk, she noticed that her purse had been moved. On making a count, she found that $60 was missing. Earlier, in the summer of 1967, when Mrs. Wetta filed her motion for leave to intervene on "behalf" of petitioner, Manale and Sonnemann forced the said Mrs. Wetta to go to petitioner's home and steal a sum of money from her, in order to pay her lawyer for filing said motion; the amount of money Mrs. Wetta was forced to steal was more than $60. The other thefts of money from petitioner occurred in 1947 and 1948, when she was working for the Internal Revenue Service in New Orleans. They were: $9 which petitioner's father was forced to steal from her

purse in the office of the Internal Revenue Service. Petitioner typed a memo to the office relative to the missing $9; and $12 was stolen in 1948 from petitioner by her nieces, which they were forced to do. The one responsible for these two thefts was Mr. William E. Logan, then Internal Revenue Agent in Charge, Internal Revenue Service, New Orleans. See page 15 of this petition, where Mr. Logan's name appears as one of the attorneys who tried to assist petitioner in securing the evidence.

Petitioner's family was forced to cooperate with the conspirators, Manale and Sonnemann, or face death. They are: Mrs. Audrey Yates Wetta, Mrs. John T. Payton, Miss Mary Sue Wetta, Mrs. Fanny Dotson; and Mrs. Payton's husband, John T. Payton, was forced to cooperate. These people were threatened continuously, as was petitioner's mother, Mrs. Blanche Yates.

Petitioner made a sworn statement to the Inspector General in 1962, prior to her dismissal; but this was the last she saw of it; that is, when the affidavit was typed, it was never given to her to sign before it was sent to Washington with the other affidavits made in the Inspector General's investigation. In other words, petitioner's sworn statement was "rigged" by Manale and Sonnemann before it was sent to Washington, and her signature forged. Of what good is an affidavit if affiant's signature is not affixed thereto? Mr. Kleo E. Blue, Jr. also made an

affidavit, in favor of petitioner, to the Inspector General, on February 19, 1962. See letter from Lt. Col. Karl E. Wolf, JAGC, Command Judge Advocate, Washington, D. C., which petitioner made an enclosure to her Memorandum to the U.S.C.A. (5th), on September 14, 1964. Col. Wolf's letter is dated November 5, 1962. The Army refused to release said affidavit, even when petitioner took Mr. Manale to Civil District Court in 1962 for slander. The said Mr. Blue has been threatened many times by Manale and Sonnemann, as a result of this cause.

In Mr. Gemeinhardt's Memorandum to the United States Court of Appeals for the Fifth Circuit, copy of which was sent petitioner on May 4, 1964, it is stated on p. 2:

> "The purpose of this continuance was to grant appellant sufficient time within which to obtain counsel and to prepare a defense to the Government's Motion to Dismiss."

Petitioner was deprived of counsel in this cause, by the conspirators Manale and Sonnemann. The only attorney she was able to secure was Mr. David E. Hogan in 1962 for the slander suit, and he was bribed by Manale and Sonnemann, with Army funds. Following is a list of attorneys petitioner contacted in an endeavor to obtain counsel in this cause. Two of them tried to get evidence for her, but they dropped the case quickly when they were unable to do so. They all gave their time without charge, but none would

take the case and hold it. As a consequence, whenever petitioner went to Court, whether to the District Court or to the U.S.C.A. (5th), she had to argue her own case, prepare her own briefs, prepare her own motions, memoranda, letters, etc., and prepare this Petition. Since petitioner is not an attorney, this work was extremely onerous.

Year	Attorney	Reason
1962	Mr. Sidney Roos National Bank of Commerce Bldg. New Orleans, La.	"I wouldn't take *that* case." He recommended the F.B.I.
1962	Mr. Leon Sarpy National Bank of Commerce Bldg. New Orleans, La.	He recommended the District Attorney.
1962	The District Attorney, Mr. Jim Garrison, New Orleans, La. (Petitioner went to his office with a written statement)	His office: "We don't 'handle' cases like that."
1963	The F.B.I. New Orleans, La.	"The only way you will be able to see the evidence is to get a Court order."
1963	Mr. Chalin O. Perez Commerce Bldg. New Orleans, La.	He said he takes only "Civil" cases.

1963	Mr. William E. Logan Gulfport, Miss.	He dropped the case when he was unable to secure the evidence from Congressman Morrison.[1] Petitioner contacted Mr. Logan again on December 19, 1963, and asked him to represent her at the hearing on January 15, 1964. No answer.
1963	Mr. Melvin J. Duran 201 First Homestead Bldg. New Orleans, La.	He tried to talk petitioner out of going to Court.
1963	Mr. Benjamin E. Smith Baronne Bldg. New Orleans, La.	He dropped the case when he was unable to get a satisfactory reply from Mr. C. B. Harrison, Personnel Officer, U. S. Army Terminal Command, Gulf.
1964	Mr. David C. Treen California Company Bldg. New Orleans, La.	His firm was too busy to help petitioner.

[1] Appendix "C" is a letter from Mr. Logan dated June 17, 1963, which was his last effort in the case.

Year	Attorney	Reason
1964	Mr. Girard J. Fernandez Carondelet Bldg. New Orleans, La.	"I am unable to be of any service to you in this matter." (See ~~Appendix~~ Exhibit "A")
1964	President, American Bar Association, 1155 East 60th St., Chicago, Ill.	He advised petitioner to see an attorney in the Legal Aid Bureau.
1964	Legal Aid Bureau International Bldg. New Orleans, La.	The attorney advised petitioner that he could not help her. . .but that a brief was only a statement of her case; and to do the best she could.

Petitioner believes this list will suffice to show her inability to obtain counsel.

On June 25, 1964, Circuit Judges Rives, Wisdom, and Gewin denied petitioner's supplement to motion and amended motion to view the evidence "because it appears from the record that no evidence was introduced in the district court." However, Judge Christenberry came into possession of the "evidence" when he made his decision on November 17, 1965. See p. 4 of the Judge's opinion where he speaks of the "uncontroverted record."

Errors in The United States District Court, Eastern District of Louisiana, New Orleans Division.

1. Judge Christenberry erred in failing to order respondents to answer petitioner's complaint. (R. 1-13.)

2. Judge Christenberry erred in failing to order judgment by default against respondents for the relief demanded in the complaint, for their failure to answer said complaint. (R. 21, 26-31.)

3. Judge Christenberry erred in granting motion to dismiss, because petitioner had failed to join indispensable parties. He allowed the United States Attorney's Office to take advantage of this technicality in a serious matter, when he knew petitioner had no one to

defend her, and that she was acting as her own counsel.

4. Judge Christenberry erred in October 1963, after petitioner filed her complaint; she asked to see the Judge in his Chambers; he consented, but tried to talk her out of getting her rights. Petitioner only asked to see him in his Chambers because Col. Miller and Col. Sonnemann were going into the Judge's Chambers continuously, their sole purpose being to prejudice petitioner's rights in this cause.

5. Judge Christenberry erred in failing to recuse himself. The Judge's interest in the case is that he is married to Henry Vosbein's sister, and Henry Vosbein is deeply involved in this cause, as already stated. Henry Vosbein is married to a Wetta; Roy L. Schmidt (R. 20) is married to a Wetta; petitioner's sister, Mrs. Audrey Yates Wetta, was married to a Wetta, now deceased. Whether Judge Christenberry ever sees these people or not is not important; the "interest" is there and the Judge did not want to be embarrassed. He put his own personal feelings before justice to petitioner.

6. The District Court erred in not allowing petitioner to have a witness at the hearing on December 18, 1963 (R. 35-36). (No answer

was received to her request); and hearing was continued to January 15, 1964. (R. 37.) Prior to the hearing on January 15, 1964, petitioner went to see Mr. Jones, in the Clerk's Office, and asked him if she could subpoena the following for the hearing on that date:

1. Mr. Kleo E. Blue, Jr.
   5911 Painters St.
   New Orleans, La.

2. Mrs. Edw. L. Schmidt, Jr.
   124 N. Genois St.
   New Orleans, La.

3. Rev. Jos. Miller, C.S.C.
   139 S. Lopez St.
   New Orleans, La.

4. Rev. Thomas Payton, C.S.C.
   Pastor, Sacred Heart of Jesus Church
   139 S. Lopez St.
   New Orleans, La.

Mr. Jones' answer was: "No, you can subpoena no witnesses at this hearing." Petitioner was never allowed any witnesses since the filing of her complaint on October 2, 1963.[2]

7. Judge Christenberry erred in failing to order Mr. Walter F. Gemeinhardt, First As-

[2] The good must be stated as well as the bad. The said Mr. Jones was helpful to petitioner when she filed her complaint, as much as the law allowed.

sistant U. S. Attorney, to "level" with petitioner on the issues in this cause.

8. The District Court erred in assigning this cause to Judge Christenberry in every instance, as hereinafter shown. The complaint was assigned to Judge Christenberry in 1963; again, when the case went back to the District Court in 1965, it was assigned to Judge Christenberry for hearing;[3] again, when petitioner returned to the District Court on August 2, 1967, for hearing on Motion to to Raise the Issue of Appellant's Competency on the Date of her Refusal to submit to the Examination, it was Judge Christenberry who conducted the hearing. This, despite the fact that when petitioner filed said motion, she asked the Clerk, Miss Boze, that the hearing not be assigned to Judge Christenberry. Miss Boze answered: "It is not what *you* want. I don't know whether Judge Christenberry will accept this case or not." Yet, permission had been granted petitioner by the U.S.C.A. (5th), in its opinion of June 7, 1967. Mr. A. Dallam O'Brien, Jr., Clerk of Court, told petitioner she must go before Judge Christenberry and ask for a hearing on said motion. Upon doing this, she was informed that the Judge would be away for one

[3] The Judge did not make his decision until November 17, 1965; the hearing was held on May 19, 1965. For a Judge who never did other than "Dismiss," in this cause, petitioner thinks this was too long.

week. She asked Mr. O'Brien if the hearing could be assigned to another Judge in the interim. Mr. O'Brien answered: "No, only Judge Christenberry will hear the motion." Petitioner mentions this to show the tight cohesion between the conspirators, Manale and Sonnemann, and the Court; the former having infiltrated the Court with their propaganda. The record before this Court will show this motion is dated July 17, 1967; and the Notice is dated July 25, 1967. Petitioner had to await Judge Christenberry's return on July 24. Judge Christenberry was the "hand-picked" Judge of Manale and Sonnemann. Here was a Judge who had an "interest" in this cause, and who refused to recuse himself. They could not have asked for more.

9. Judge Christenberry erred in concluding, in his opinion of November 17, 1965, p. 4: "* * * that there are no genuine issues of material fact; that the uncontroverted record establishes without question that in separating plaintiff from service* * *." In the first place, the fraud in this cause is obvious, and is a a genuine issue of material fact; as for the "uncontroverted record," this is inadmissible evidence; therefore, it should not have been used in separating petitioner from service.

10. Judge Christenberry erred in failing to give petitioner due process of law which she requested at the hearing on August 2, 1967.

Errors in The United States Court of Appeals For the Fifth Circuit.

1. The Court erred in allowing the constant visits of Col. Robert B. Miller and Col. Sonnemann into the Chambers of the Circuit Judges, every time petitioner filed a motion, brief, supplemental brief, etc. These were violations of petitioner's Constitutional rights, because the purpose of the visits, or "pre-trial" conferences, was to prejudice the Circuit Judges against petitioner and influence their decisions. Petitioner was not present at these conferences, of course, and was not invited. On one occasion when she asked Judge Wisdom's secretary if she might see him, after filing one of her many motions to view the evidence, his secretary replied: "No, the Judge has made his decision, and he is very busy." But the Circuit Judges were never too busy to see Col. Miller and Col. Sonnemann; nor were they too busy to see petitioner's family, who was *forced* by Manale and Sonnemann to go into the Judges' Chambers and lie about petitioner; specifically, Mrs. Audrey Yates Wetta, petitioner's sister, and her niece, Mrs. John T. Payton. Even the clergy was sent into the Judges' Chambers by Manale and Sonnemann.

2. The Court erred in denying petitioner the right to view the evidence, because the

Court's refusal was based on the said uncontroverted record, which is inadmissible.

3. The Court erred in not ordering respondents to answer petitioner's complaint, and in not ordering respondents to file an answering brief. Rule 24, as amended, Subsections 1, 3 and 4 of the U.S.C.A. (5th), provides:

> "3. The Counsel for appellee or respondent shall file with the Clerk of this court within twenty (20) days *from the service upon him of opponent's brief* * * * twenty copies of a printed brief, * * *." (Italics supplied.)

Respondents' brief was filed May 8, 1964; petitioner's brief was filed June 1, 1964; again, on appeal, respondents' brief was filed on March 30, 1966; petitioner's brief was filed on June 3 1966. See ~~Appendix~~ Exh. "B". The Court erred in not enforcing this Rule. The respondents maneuvered this to avoid answering petitioner's accusations.

4. The Court erred in not ordering Mr. Gemeinhardt to be specific and definite about the issues; in not ordering Mr. Gemeinhardt to declare himself on the "uncontroverted record;" in not ordering him to be specific about the fraud. Evidence of fraud was in the rec-

ord. It is impossible for certain people to submit affidavits in petitioner's favor, and then for the same people to submit affidavits against petitioner's character, without fraud being involved. Mr. Gemeinhardt was always vague and noncommittal, avoiding all the issues, by not mentioning them at all. When he did mention something about "mental" trouble, very briefly, the Court did not order him to give any details at all.

5. The Court erred in not ordering respondents to make charges against petitioner; in affirming the District Court's decision. Judge Christenberry, in his decision of November 17, 1965, quoted the Lloyd-LaFollette Act, as amended 5 U.S.C., § 652; but the District Court and the U.S.C.A. (5th) ignored the fact that petitioner was in the classified civil service of the United States and was removed *without pay*; that no reasons were given her in writing, except the charge of insubordination; that no charges were preferred against her; and that she was not furnished with a copy of such charges. As for "such cause as will promote the efficiency of the service," the cause was the "uncontroverted record," which is inadmissible. Therefore, the "legal conclusions" mentioned in the Court's opinion of June 7, 1967, are illegal because of the inadmissibility of said record. See Mr. E. T. Groark's letter of February 13,

1963, wherein he admits that petitioner was removed on charges. It is Ex. "E" of petitioner's amended complaint dated February 19, 1965. Furthermore, no citizen should be forced to submit to an examination which she knows (or even suspects) will be "rigged" and her refusal to submit to such examination should not be termed "insubordination," for this is tyranny. Petitioner's 31 years of continuous service, and good record, merited being told by her superiors why she was ordered to submit to such examination. If petitioner's good record was "rigged" by Manale and Sonnemann, subsequent to her viewing it, this is not petitioner's fault. She saw a good record throughout the years.

6. The Court erred in failing to order that copy of the motion filed by Mrs. Audrey Yates Wetta for leave to intervene on "behalf" of petitioner, be furnished her. Petitioner filed this suit, and was entitled to a copy. The first she heard of said motion was on July 10, 1967, when she spoke to Mr. Ganucheau, Chief Deputy Clerk; see petitioner's letter of July 10, 1967 to the Clerk of Court. This motion was designed to deprive petitioner of all her rights, permanently, and the said Mrs. Wetta was forced to submit it by Manale and Sonnemann.[4]

[4] This motion was very wisely denied by Circuit Judges Thornberry and Coleman, and District Judge Young, on July 14, 1967.

7. The Court erred in denying petitioner's motion Order to Court Below To Fix for Trial; and Motion To Contend Prejudice, on October 26, 1967, because, by so doing, petitioner was denied due process of law guaranteed by the Constitution; and the right to a hearing by an impartial Judge. The Court also ignored Judge Christenberry's unjudicial utterances in Court on August 2, 1967. See petitioner's letter to the Clerk of Court dated September 15, 1967.

Reasons for Granting the Writ and/or Ruling.

1. Because all of petitioner's Constitutional rights were denied her, including due process of law, as hereinabove set forth.

2. Because inadmissible evidence in the form of the uncontroverted record was used by the District Court in making its decision; and erroneously affirmed by the United States Court of Appeals for the Fifth Circuit.

3. Because confessions were made to the President of the United States, in this cause, including plans for an insurrection to take over this country, subsequent to her discharge. Specifically, confessions have been made by Mr. Manale, Col. Miller and Col. Sonnemann, and others. Mr. Blue told the President the truth in the beginning.

Conclusion.

Wherefore, for the foregoing reasons, it is respectfully submitted that this Petition for Writ of Certiorari and/or Ruling should be granted; but, in any event, petitioner respectfully prays for a Ruling by this Court on her Constitutional rights, with particular emphasis on due process of law.

Respectfully submitted,

JESSIE M. YATES,
128 N. Genois St.
New Orleans, Louisiana 70119,
Acting as own Counsel.

Certificate.

I certify that copy of the foregoing Petition for Writ of Certiorari has been served upon the Hon. Louis C. LaCour, United States Attorney, Eastern District of Louisiana, 500 St. Louis Street, New Orleans, Louisiana, by placing the same in the United States mail.

JESSIE M. YATES.

EXHIBIT A.

524-9970

[redacted]

GIRARD J. FERNANDEZ
ATTORNEY AT LAW
CARONDELET BUILDING
NEW ORLEANS 12, LOUISIANA

REGISTERED

January 16, 1964

28

Miss Jessie M. Yates
128 North Genois Street
New Orleans, Louisiana

Re: Jessie M. Yates v. Bernard J. Manale
U. S. Army Oversea Supply Agency
U. S. Civil Service Commission
Civil Action No. 13901-A, USDC, Ed of La.
File No. 22.875

Dear Miss Yates:

On yesterday, January 15, 1964, you called at my office with your mother and discussed with me the possibility of my representing you in an appeal which you wished to take from a judgment rendered by Hon. Herbert Christenberry, Judge of the U. S. District Court for the Eastern District of Louisiana, in the above matter.

I advised you at that time that I would examine the documents you left with me and would make such investigation as I deemed necessary regarding the facts and the law; and after that, I would make a determination as to whether I wished to take the employment which you have offered me.

After carefully examining the documents you left with me, I had a long conference with Mr. Walter F. Gemeinhardt, Assistant United States Attorney, and also with Mr. John McKay, whom I understand you consulted in this matter within the past thirty days. After careful consideration of your case, I have come to the conclusion that I am unable to be of any service to you in this matter, and I do not wish to represent you on any appeal.

I am returning herewith the documents which you left with me, consisting of a copy of a minute entry issued by the court in this case on December 20, 1963, a letter addressed to you by Mr. Walter F. Gemeinhardt dated December 9, 1963, a copy of a motion to dismiss and the memorandum in support thereof, both prepared by Mr. Gemeinhardt, and a copy of the complaint filed by you in this case. I wish to advise further that it is my understanding that if you wish to take an appeal from Judge Christenberry's decision in this case dismissing your complaint, you have ten days in which to do so from the time of the rendition of the judgment by the court.

Sincerely yours,

Girard J. Fernandez

GJF:rb
Encs.

EXHIBIT B.

29

[redacted]

United States Department of Justice

UNITED STATES ATTORNEY
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS 12, LOUISIANA

May 8, 1964

Miss Jessie M. Yates
128 N. Genois Street
New Orleans, Louisiana

Dear Miss Yates:

Re: JESSIE M. YATES vs.
BERNARD J. MANALE, ET AL
No. 21,296, U.S.C.A., 5th Cir.
Our File Number: 22,875

We are pleased to enclose herewith a copy of the Brief on Behalf of Appellee which we have filed in connection with this matter.

Very truly yours,

For the United States Attorney

WALTER F. GEMEINHARDT
First Assistant U. S. Attorney

WFG:mr

Enclosure

United States Department of Justice

UNITED STATES ATTORNEY
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS, LOUISIANA 70130

March 30, 1966

Miss Jessie M. Yates
128 North Genois Street
New Orleans, Louisiana

In re: Jessie M. Yates v. Bernard J. Manale, et al.,
No. 23,313, Courth of Appeals for the Fifth
Circuit
Our file 22,875

Dear Miss Yates:

Enclosed is copy of the brief of the United States, which has been filed in the captioned appeal.

Very truly yours,

LOUIS C. LA COUR
UNITED STATES ATTORNEY

WALTER F. GERSINHARDT
First Assistant U. S. Attorney

Enclosure
(2)

WFG:asf

EXHIBIT C.

WILLIAM E. LOGAN
ATTORNEY AT LAW
GULFPORT, MISSISSIPPI

June 17, 1963

Miss Jessie M. Yates
128 N. Genois St.
New Orleans 19, Louisiana

Dear Miss Yates,

Transmitted herewith is copy of a letter furnished to me by Congressman Jimmy Morrison, which letter is dated 10 June 1963, and is signed by Colonel Robert W. May, Chief of Staff.

In order to eliminate unnecessary delays, I suggest that any further correspondence by you be addressed either direct to Colonel May or to Congressman Morrison.

With best personal regards to your mothe r,

Sincerely,

William E. Logan

WEL/bp
Enc.